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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/519,761	12/29/2004	Stephen Malcolm Kelly	7518-2	5373	
30565	7590 10/17/2006	10/17/2006		EXAMINER	
	, EMHARDT, MORIAR	WU, SHEAN CHIU			
111 MONUMENT CIRCLE, SUITE 3700 INDIANAPOLIS, IN 46204-5137)	ART UNIT	PAPER NUMBER	
			1756		
			DATE MAILED: 10/17/200	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 30 January 2006. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-34 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1,4,5,8,11,27,29,30 and 32-34 is/are rejected. 7) Claim(s) 2,3,6,7,9,10,12-26,28 and 31 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		Application No.	Applicant(s)					
Shean C. Wu The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estensions of time may be available under the provision of 37 CFR 1.136(a). In an event, however, may a reply be timely filed after Six (6) MONTHS from the mailing date of this communication. Fallows to reply while the set or candradd period for reply will, by statute, cause the application to become ABANDANDE (34 U.S. CA). Any reply received by the Office later than these months after the mailing date of this communication. Fallows to reply while the set or candradd period for reply will, by statute, cause the application to become ABANDANDE (34 U.S. CA). A reply reply received by the Office later than these months after the mailing date of this communication, even if timely filed, may reduce any centred period to the communication, even if timely filed, may reduce any centred period. B Responsive to communication(s) filed on 30 Jenuary 2006. Status 1) Responsive to communication(s) filed on 30 Jenuary 2006. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.34 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. Claim(s) 1.35 is/are allowed. The drawing(s) filed on is/are silved to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held		10/519,761	KELLY ET AL.					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CPR 1.136(a). In on event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failines for reply with the sate of resply with by statute, dauge the subjectation to become adaptation (30 LS § 133). - Failines for expert with the sate of the mailing date of this communication, even if sinely fined, may reduce any earned patient term adjustment. See 37 CFR 1.704(b). - Status 1)	·	Shean C. Wu	1756					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13(e). In one vent, however, may a reply be limited from the mailing date of this communication. If NO period for reply is pecified above, the mailing date of this communication. If NO period for reply is pecified above, the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (33 U.S.C. § 133). Any reply received by the Office also than the mailing date of this communication, even if timely filled, may reduce any example plant term adjustment. See 37 CFR 1.794(b). Status 1) □ Responsive to communication(s) filled on 30 January 2006. 2a) □ This action is FINAL. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.34 is/are pending in the application. 4a) ○ The above claim(s) is/are allowed. 6) □ Claim(s) 1.4.5.8 1.1.27.29.30 and 32-34 is/are rejected. 7) □ Claim(s) 2.3.6.7.9.10.12-26.28 and 31 is/are objected to. 8) □ Claim(s) 2.3.6.7.9.10.12-26.28 and 31 is/are objected to. Priority under 35 U.S.C. § 119 12) □ The oath or declaration is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certi	• •	/ 10 OFT TO EVENE - 140NTU/	O) OD TUUDTY (00) DAYO					
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* See the attached detailed Office action for a list of the certified copies not received.								
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Attachment(s)								
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date								
	3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal P						

Application/Control Number: 10/519,761

Art Unit: 1756

DETAILED ACTION

- 1. Claim 13 is objected to under 37 CFR 1.75 as being a duplicate of claim 9. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
- 2. Claim 33 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

3. Claims 1, 4-5, 8, 11, 27, 29-30 and 32-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 1, 5, 8, 11, 29-30 and 33, the claim language "capable of" is not a positive citation.

In Claim 4, the claim language "liquid crystal phase is a glass" is not clearly defined. The liquid crystal phase should be "in the form of a glass" or "in the glassy state".

In Claim 27, line 2, the word "any" should be deleted because the claim is depended on claim 1 only.

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In Claim 32, the claim language "combination of a light emitting device as claimed in claim 27 and a Liquid Crystal Display device" does not have an antecedent basis. The claimed device should be rewritten as "The claimed light emitting device as claimed in claim 27, further combined with a liquid crystal display device, said light emitting device providing a source of polarized light for the liquid crystal device".

In Claim 34, the claim language "the or each alignment layer" is not clearly defined. Also, the claim is depended on the objected claim 33.

Allowable Subject Matter

- 4. Claims 2-3, 6-7, 9-10, 12, 14-26, 28 and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shean C. Wu whose telephone number is 571-272-1393. The examiner can normally be reached on 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner Art Unit 1756

scw